

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

MARVIN THOMAS)
) CV. NO. 2:07-CV-638-LSC
v.) CR. NO. 2:05-CR-101-LSC
)
UNITED STATES OF AMERICA)

GOVERNMENT'S MOTION TO EXTEND TIME TO
RESPOND TO COURT ORDER

Comes now the United States of America, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama and, in response to the court order issued October 18, 2007, respectfully requests that the government be granted additional time to comply with the Court's Order.

The motion filed by the Petitioner is based on Petitioner's contention that he was not present at the time his plea was taken, is not the signatory of the plea agreement; and, as counsel for himself, was..."out of town" on September 7, 2006, the date initially set for a competency hearing at which Petitioner apparently withdrew his Motion for Mental Competency Determination and entered his guilty plea. Because of the nature of Petitioner's claims, it is vital that counsel for the government present certified official records and transcripts to refute the Petitioner's claims. The government has not received the required transcripts and does not expect to receive said transcripts within 30 days from the filing of this motion due, on information and belief, because of previous transcript requests made of Court Reporters Risa Entrekin and Mitchell Reisner. Therefore, the government requests an extension of time of sixty (60) days to complete its response and requests that the Court issue an Order to Timothy Halstrom, stand-by counsel for Petitioner, commanding Mr. Halstrom to prepare

an affidavit recounting his and Petitioner's presence, if any, before the Court on September 7, 2006. and, in order to fully address the issues that appear to have been raised by the Petitioner's motion, the government requires additional time to fully review the records in this case.

As Petitioner is representing himself, he has not been contacted to ascertain his position as to the government's request for an extension of time in this matter.

Respectfully submitted this 14th day of November, 2007.

LEURA G. CANARY
UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I hereby certify that on November 14, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and I placed in the United States Mail, postage pre-paid and properly addressed to: Marvin Thomas, 11519-002, Navajo-A, Federal Correctional Institution, P.O. Box 7007, Marianna, FL 32447-7007, a true and correct copy of the foregoing document.

LEURA G. CANARY
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